

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|------------------------------|---|-----------------------|
| RENZER BELL, | : | Case No. 4:CV-05-1825 |
| | : | |
| Plaintiff | : | |
| | : | (Judge Jones) |
| v | : | |
| | : | |
| DEAN HESSER, <u>ET AL.</u> , | : | |
| | : | |
| Defendants. | : | |

MEMORANDUM AND ORDER

March 3, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is a “Motion for Extension of Time to Serve Reply Affidavit” (doc. 14) and a “Motion to Amend/Correct Amended Complaint” (doc. 16) filed by the Plaintiff Renzer Bell (“Plaintiff” or “Bell”) on February 24 and February 27, 2006 respectively. For the reasons that follow, both Motions will be denied.

On February 17, 2006, we granted Plaintiff leave to file an amended complaint that was already docketed with the Court and denied Defendants’ Motion for Judgment on the Pleadings as moot. We provided Defendants with thirty (30) days in which to answer or otherwise respond to Plaintiff’s amended complaint. (Rec. Doc. 13). One week later, Plaintiff filed a document entitled

“Motion for Extension of Time to Serve Reply Affidavit” with a supporting affidavit in which he is requesting an extension of time to file a “reply affidavit.” Only three days after such filings did Plaintiff submit a “Motion to Amend/Correct Amended Complaint” with attached exhibits requesting leave to file a second amended complaint based upon alleged necessary changes inadvertently not made in his amended complaint.

Plaintiff’s submissions indicate to the Court that he does not understand the import of our February 17, 2006 Order. Because we are cognizant that Plaintiff is a pro se litigant and because we continue to liberally construe his pleadings, we will take the additional step at this juncture of telling him that he needs not file any further submissions with the Court until such time as Defendants respond to his amended complaint. As previously stated, our February 17, 2006 Order provided Defendants with thirty (30) days from the date of the Order in which to respond to Plaintiff’s amended complaint. We hereby admonish Plaintiff that his frequent filings may be injuring his case or putting him in jeopardy as they are difficult to comprehend and are unnecessary at this point in the litigation.

While we will summarily deny Plaintiff’s “Motion to Amend/Correct Amended Complaint,” we note that in the interest of justice and in accordance with applicable Federal Rules of Civil Procedure, Plaintiff may reassert his request for

leave to file a second amended complaint, if necessary, at a subsequent point in the above-captioned case. We will likewise deny Plaintiff's "Motion for Extension of Time to Serve Reply Affidavit" as he needs not file a reply affidavit given that the next step in this litigation will be Defendants' answer or other response to Plaintiff's amended complaint.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's "Motion for Extension of Time to Serve Reply Affidavit" (doc. 14) is summarily denied.
2. Plaintiff's "Motion to Amend/Correct Amended Complaint" (doc. 16) is summarily denied.

s/ John E. Jones III
John E. Jones III
United States District Judge